IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPLICATION NO. 210 OF 2006
IN
MISC.APPLICATION NO.324 OF 2006

Chandrakant Vithal Pawar. ...Applicant
V/s.
The State of Maharashtra. ...Respondent

Ms.Anjali Patil for Applicant.
Shri R.Y. Mirza, APP for State.

CORAM : V.M. KANADE, J.

DATED : MAY 5, 2006

P.C. :-

. Heard learned Counsel for the applicant and learned APP for the State.

2. This is an application for seeking transfer of the case which is pending in the Court of H.H.J. Shri Chandiwal on the ground that the applicant will not get fair justice since the Sessions Court has convicted the other accused in a similar case. Initially, an application was filed before the Principal Judge under Section 407, however, by a reasoned order, the said application was rejected.

3. The grievance is made by the applicant that the charge was framed on 28th April, 2006 and the case is

fixed for trial on 4th May, 2006. It is submitted that the applicant has personal difficulty and he has shifted his residence as his family has been removed from the official quarters which were allotted to him.

4. In my view, both these submissions cannot be accepted. The grounds which are mentioned in the application for transfer, are frivolous and if such applications are entertained, it will not be possible for any Judge in the Sessions Judge to decide any case in a fair and just manner. Secondly, merely because the case is kept for hearing expeditiously, also cannot be a ground for transfer. The grievance is always made that cases are not disposed of expeditiously. Now that the learned Sessions Court has fixed the matter for hearing, a grievance is made that that the matter is being disposed of immediately after the charge is framed. These submissions, therefore, cannot be accepted. There is no merit in the submissions made by the learned Counsel for the applicant.

5. Application is disposed of.

6. The Sessions Court is directed to proceed with the case as per his schedule.

(V.M. Kanade, J.)